

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSHUA I. PAYNE,

Plaintiff

v.

JOHN KERESTES, *et al.*,

Defendants

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Civil No. 3:16-cv-372

(Judge Mariani)

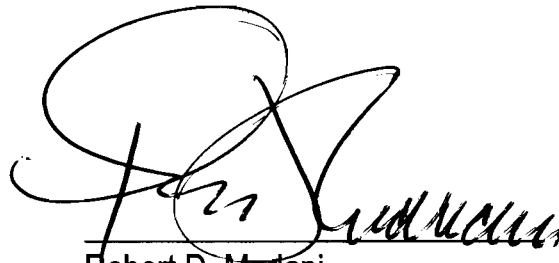
ORDER

AND NOW, this 16th day of March, 2017, upon consideration of Defendants' motions (Docs. 16, 18) to dismiss, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 16) to dismiss filed on behalf of Defendant David Ahner is **GRANTED**.
2. The motion (Doc. 18) to dismiss filed on behalf of Defendants John Kerestes, Hugh Beggs, Jessica Carey, Sara Falkson, Jeanne Macknight, John Muick, John Steinhart, and Michael Vuksta is **GRANTED**.
3. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff is granted **20 days from the date of this Order** to file a proposed Amended Complaint to cure the deficiencies with respect to the Eighth Amendment claim against Defendants Falkson and Ahner. Failure to timely file a proposed Amended Complaint may result in the dismissal of this action

without further notice of Court.

5. Should Defendants file a Motion to Dismiss Plaintiff's Amended Complaint, Plaintiff must file a brief in opposition to such motion within 14 days after service of Defendants' briefs.¹



Robert D. Mariani
United States District Judge

¹ See M.D. Pa. Local Rule 7.6 ("Any party opposing any motion, other than a motion for summary judgment, shall file a brief in opposition within fourteen (14) days after service of the movant's brief Any party who fails to comply with this rule shall be deemed not to oppose such motion.") (emphasis added).